

INTRODUCTION

Applicant thanks the Examiner for her forthright and very helpful discussion, in the course of the telephonic interview held on 15 May 2007, of the Final Rejection issued by the Examiner on 4 April 2007. In the course of this interview (in which Attorney Philip Koenig, Reg. No. 31,386, participated with Applicant), and as the Examiner reported in her Summary of Interview,

Discussion focused around *Lalonde* and the present Application and the concept of selecting user defined benefits compared to selecting a user preferred credit card. Examiner pointed to columns 6, 9 and 10 for particularly showing where *Lalonde* reads on the claims as currently written in the application where the broadest reasonable interpretation is applied. *Lalonde* shows where a user inputs ranking of credit card usage order. *Lalonde* also shows where the user can override the ranking in order to take advantage of user preferences such as lower interest rates or a special promotion, etc.

Applicant inquired, however, that *Lalonde* does not appear to show where a computer system operates as if employing a "user mentality" in which the system dynamically selects a means of processing a transaction based on a host of user defined preferences, in which the system operates dynamically and is aware and knowledgeable of offers which would maximize the user's preferences, in which the system is able to scan in real time available resources for such benefits that the user may not know are available during the transaction and then to automatically select that means of conducting the transaction in order to maximize user benefit without the user being required to continually and constantly monitor all potential available benefits available. Examiner agreed that this was not disclosed by *Lalonde*, and pointed out that while this is the invention disclosed in the specification, it is not captured as such in the claims.

Applicant will take comments under consideration in preparing a response and examiner will further consider upon receipt.

In this Reply to the Final Rejection entered by the Examiner on 4 April 2007, Applicant has taken to heart the guidance offered by the Examiner in the course of the 15 May 2007 interview, and has amended all independent claims to include a recitation of the elements of the invention, disclosed in the specification but heretofore not adequately set forth in the claims, that distinguish the invention from the cited art of record. In particular, each of independent claims 1, 25, 26 and 27 have been amended to expressly recite that the method and system of the invention comprises the use of means whereby the system dynamically selects a means of processing a transaction based on matching a plurality of user defined preferences against a set of potentially available benefits including benefits available from benefit resources accessed by the system through real time scans, thereby enabling the system to automatically select a means of processing the transaction adapted to maximize user benefit from the transaction, all without the user being required to constantly monitor all potentially available sources of benefits. (Understandably, the specific formulation of this central limitation varies somewhat among each of independent claims 1, 25, 26 and 27, in view of the differing nature of these claims.)

With these amendments, and a few technical amendments cited below, Applicant believes that all of the claims presented (including dependent claims 2-24) are in form for allowance. In addition a few minor amendments have been made, as reflected in the claims listing, to cure defects of form or style, or to elide unnecessary text.

A. Claim rejections – 35 U.S.C. §112

Claims 1-24 stand rejected under 35 U.S.C. §112, first paragraph, on the ground that the negative limitation, inserted in claim1 in Applicant's previous response, of "other than preferred

card choice", is not supported in the specification. Applicant has removed this limitation, and accordingly Applicant requests that this rejection be withdrawn.

B. Claim rejections – 35 U.S.C. §102 under U.S. Patent No. 5,477,040 to Lalonde

Claims 1-2, 4, 6-11, and 13-24 stand rejected under 35 U.S.C. §102 (e) as being anticipated by Patent No. 5,477,040 to *Lalonde*. Applicant has now further amended claim 1 in a manner that Applicant believes should obviate this rejection.

Applicant concedes, as the Examiner found, that *Lalonde* discloses a system which provides a means for the automated selection, among a set of potential charge cards held by a card holder, of a "selected" charge card to be used in a consumer purchase transaction, based upon a credit card usage order "preference" input to a central "charge card selector" facility. Purportedly the selection process carried out by a "charge card selection processor 102", located at a central "charge card selector" facility 41, is capable of taking into account, in determining automatically a "selected charge card" for a particular transaction, the user's specified credit card usage order "preference" and "card issuer credit limits"; in addition, a manual "user override" function permits "interest rates" and "card issuer promotions" to be employed as the card selection determinants.

As the Examiner stated in her summary of telephonic interview, "*Lalonde* shows where a user inputs ranking of credit card usage order [and] *Lalonde* also shows where the user can override the ranking in order to take advantage of user preferences such as lower interest rates or a special promotion, etc." Applicant accordingly concedes that claim 1 as previously presented would arguably read on a broad interpretation of the *Lalonde* disclosure.

Compared to the present invention, however, *Lalonde* remains a system locked into a severely limited process for selecting a charge transaction "solution". In particular, the *Lalonde* charge card selection process is limited in range to a set of pre-determined charge accounts, which have been expressly specified to the "charge card selector" by the user, and that are

listed on a tangible “charge card selector card” carried by the user for presentation to merchants. Further, the range of user-specified “preferences” that the *Lalonde* system is capable of processing automatically appears limited to a bare listing of a “credit card usage order preference”. In contrast, the system of the present invention comprises means for “hunting out” transaction settling “solutions” that offer optimal rewards or other benefits to the user, premised on a set of preferences submitted and ranked by the user, and which include potential solutions from providers previously unknown to the user.

As the Examiner acknowledged in her summary of telephonic interview, the present invention thus distinguishes from *Lalonde* in several important respects. Specifically, and as “not disclosed by *Lalonde*”, the Examiner noted with respect to the present invention:

“the system dynamically selects a means of processing a transaction based on a host of user defined preferences, in which the system operates dynamically and is aware and knowledgeable of offers which would maximize the user’s preferences, in which the system is able to scan in real time available resources for such benefits that the user may not know are available during the transaction and then to automatically select that means of conducting the transaction in order to maximize user benefit without the user being required to continually and constantly monitor all potential available benefits available.”

The description in *Lalonde* of the operation of “charge card selection processor 102”, which carries out the card selection process, is scanty, and includes no disclosure whatever of the nature of the card selection process: there is no clear indication that a user may input to the “charge card selector” any kind of preference other than “credit card usage order”; there is no disclosure of any means for ranking or making any comparative weighting of competing preferences or preference categories; there is not even any disclosure of how the “charge card selector” becomes informed of any user “preferences”. In any event *Lalonde* contains no disclosure or suggestion of any capability on the part of the system to seek out benefit

opportunities, unknown to the user consumer, of means to make any such newly discovered benefit opportunities available to users. Accordingly, and where claim 1 has now been amended to expressly recite such method steps in claim 1, Applicant believes that the 102 (e) rejection of claims 1-2, 4, 6-11, and 13-24 has been overcome, and Applicant therefore requests that said rejection be withdrawn.

C. Claim rejections – 35 U.S.C. §102 under U.S. Patent No. 5,945,653 to Walker et al.

Claim 25-27 stand rejected under 35 U.S.C. §102 (b) as being anticipated by Patent No. 5,945,653 to *Walker*. Applicant has now further amended said claims 25-27 in a manner that Applicant believes should obviate this rejection.

Though the discussion of the case during the 15 May 2007 telephonic interview focused principally on the *Lalonde* reference, it is clear that the elements of the present invention (as set forth in the specification) that distinguish from *Lalonde* also distinguish the invention from *Walker*. In particular the system and methods disclosed in *Walker* all pertain exclusively to the creation of “functions” (which may represent access to a discount or other benefit) that may be associated with a consumer’s credit card or merchant accounts, but where any such association occurs only with the knowledge and active participation of the consumer. Nowhere in *Walker* is there any suggestion of a system or methods whereby users seeking to process a transaction are provided, fully automatically, with benefit options previously unknown to the user that are made available to the user by means of a real time scan of benefit resources, as occurs with the present invention. Accordingly, the amendments made to claim 1 by Applicant in order to overcome the rejection of claim 1 over *Lalonde* serve equally (when modified appropriate to the nature of claims 25-27 as apparatus claims) to overcome the rejection of claims 25-27 under 35 U.S.C. §102 in view of *Walker*.

D. Claim rejections – 35 U.S.C. §103

Dependent claims 3, 5, and 12 stand rejected under 35 U.S.C. §103 as unpatentable over *Lalonde* and/or *Walker* and further in view of a *Turner* reference (re claim 3). Applicant has now amended independent claim 1, from which each of claims 3, 5 and 12 depend, in a manner believed to place claim 1 in condition for allowance, and Applicant therefore believes that dependent claims 3, 5, and 12 are now also in condition for allowance.


CONCLUSION

Claims 1-27 are presented.

Applicant again thanks the Examiner for her assistance to Applicant, in aiding Applicant identify those aspects of the invention that best distinguish it from the art of record. Applicant believes that the amendments now made to independent claims 1, and 25-27, serve to properly limit the scope of the invention in a manner that does distinguish said claims, as now amended, from the prior art, and thereby placing all of the claims presented in condition for allowance.

Applicant believes that all claims remaining in the application are in form for allowance. Early favorable action is earnestly solicited. The Examiner is urged to call the undersigned if that would be helpful in facilitating resolution of any issues that might remain.

Respectfully submitted,


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